S.B. Civil Writ Petition No.9934/06
Nishant Sharma Vs. University of Raj.& Ors.

22.08.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Shailesh Prakash Sharma for petitioner.
Shri Virendra Agarwal)
Shri B.K. Sharma, Addl. GA)
Shri V.K. Tamoliya for Shri N.K. Maloo)
for respondents.

Heard learned counsel for the parties.

The petitioner has filed this writ petition challenging the action of the respondents in not declaring result of his first semester of M.Sc. (IT) examination on the premise that the petitioner was wrongly admitted to that course as the eligibility requirement for admission to that course was minimum 50% marks in the graduation. This Court while

issuing notice to the respondents directed them to permit the petitioner provisionally to appear in the second semester of MSC (IT), total duration of which is two years. The learned counsel for the petitioner has placed on record, the list of all other candidates who were admitted by the Principal of the College in the present course and with due approval of the Observer and Commissioner, Education, Directorate of College Education, namely Dr. A.K. Mathur (Retd.). In that list, it has been stated that in total 18 admission were finalised as per the guidelines issued by the Commissioner, Education, Directorate of College Education, Government of Rajasthan, Jaipur. Copy of such guidelines has been placed on record at

Schedule-B which inter alia provides that after the list of admission to technical courses is finalised, such of the candidates who secures only one mark less than the requisite minimum marks may be admitted to such course except in the course of law faculty. It was argued that total percentage of marks of the petitioner is 49.94% whereas the requirement according to Rule is 50% marks and this itself agreed on account of the fact that petitioner secured one mark less than the required marks and therefore his case is covered by the aforesaid guidelines and admission was made in conformity with that guideline.

The learned counsels for the respondents have not been able to controvert that position.

In the facts of the case, I deem it appropriate to direct the respondents to treat his admission having not been made as per the guidelines issued by the Commissioner and allow him to complete the study course by declaring his result of the second semester and permit him to appear in further examination in accordance with the rules.

With these observations, the writ petition is allowed.

(Mohammad Rafiq),J.

Rs/-